

REMARKS**I. STATUS OF THE CLAIMS**

Upon entry of the foregoing amendments, Claims 20-37 will be pending in this patent application. Claims 1 – 19 have been cancelled, without prejudice, and claims 20 – 37 are new. No new matter has been added.

Support for the new claims can be found, for example, as follows:

Claim No.	Support
20	specification, p. 5 and 8 – 9; original claims
21	original claims
22	original claims
23	original claims
24	specification, p. 8
25	specification, p. 9
26	specification, p. 9
27	specification, p. 5 and 8 – 9; original claims
28	original claims
29	original claims
30	original claims
31	original claims
32	original claims
33	original claims
34	specification, p. 8
35	specification, p. 8
36	original claims
37	original claims

II. DOUBLE PATENTING REJECTIONS

Claims 1 - 8 and 10 –19 have been rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over at least one of US 6,291,555 (Surjan '555), US 6,403,678 (Surjan '678), and US 6,420,458 (Surjan '458). However, none of these references teach or suggest the presently claimed curable epoxy adhesive composition comprising, in part, a curing agent having a plurality of aliphatic amines and at least one tertiary amine. For at least this reason, the Office's double patenting rejection will be moot upon entry of the above-mentioned claim amendments. Accordingly, these rejections are respectfully traversed and their withdrawal is requested.

III. ANTICIPATION REJECTIONS

Claims 1 – 8, 10, and 18 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by at least one of Surjan '555, Surjan '678, Surjan '458, US 6,402,434 (Surjan '434), or US 6,416,256 (Surjan '256). Claims 1 – 8, 10, and 18 have also been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by at least one of Japanese Patent No. 61-148280 (JP '280), Japanese Patent Application Publication No. 2001-240837 (JP '837), or EP 488 949 (EP '949).

To anticipate a claim, a reference must teach each and every element of the claim. MPEP 2131.01 (See also, *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987), wherein the court stated “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”)

However, none of the cited references teach or suggest a curable epoxy adhesive composition comprising a curing agent ***consisting essentially of a plurality of aliphatic amines and at least one tertiary amine***. For example, the Surjan

references disclose a two component epoxy adhesive composition wherein the second component is a curing agent of a tertiary amine, a non-tertiary amine, and two fillers. JP '280 discloses an epoxy adhesive having a curing agent of a single primary amine and a single tertiary amine. JP'837 discloses an epoxy adhesive having amino compound. EP '949 discloses a two component epoxy adhesive comprising at least one aliphatic or cycloaliphatic amine, a tertiary amine, and at least one aromatic amine. Since the cited references do not teach a curing agent consisting essentially of a plurality of aliphatic amines and at least one tertiary amine, they do not anticipate the present claims. For at least these reasons, the Office's anticipation rejections are respectfully traversed.

IV. OBVIOUSNESS REJECTIONS

Claims 11 – 14 and 19 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Surjan references or, alternatively, over JP '280, JP '837, or EP '949 in view of US 5,681,128 (Morgan). Claims 15 – 17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Surjan references or, alternatively, over JP '280, JP '837, or EP '949 in view of US 6,645,340 (Gienau) and/or US 5,962,602 (Hartman). Claims 1 – 8 and 10 – 19 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of Morgan, Gienau, Hartman, US 6,166,849 (Coleman), US 6,214,159 (Armin), US 4,632,702 (Grieves), US 6,572,971 (Martin), Japanese Patent No. 2000-273354 (Jap '354), Japanese Patent Application Publication No. 57-159866 (Jap. '866), and Japanese Patent Publication No. 60-258277 (Jap. '277).

To render a claim obvious, the combination of cited references must teach or suggest each and every element of the claim. MPEP 2143. Here, however, none of the cited references teach or suggest all of the claimed elements.

As demonstrated above, none of the Surjan references, JP '280, JP '837, or EP '949 teach or suggest a curing agent consisting essentially of a plurality of aliphatic amines and at least one tertiary amine. The other references cited by the Office likewise do not teach this claim element. For example, Morgan discloses a two-part epoxy adhesive, wherein the second part comprises an aliphatic amine, nonyl phenol, a filler, and a wetting agent. Gienau discloses a two-part epoxy adhesive, wherein the second part comprises an aliphatic polyamine, m-xylylenediamine, benzyl alcohol, and inorganic fillers. Hartman discloses a two-part epoxy adhesive, wherein the second part comprises a cycloamine, a triamine, phenols, benzyl alcohol, and salicylic acid. Coleman discloses a curable epoxy sealant using an amine-based curing agents, but does not mention tertiary amines. Armin discloses a two-component curable epoxy resin having an amine-based curing agent, but does not mention tertiary amines. Grieves discloses a two component epoxy adhesive having a hardening component comprising aliphatic amines, polyamines, polyamidoamines, alicyclicamines, tertiary amines, and various mixtures thereof, but does not describe a curing agent consisting essentially of a plurality of tertiary amines and at least one tertiary amine. Jap '354 discloses a primer composition comprising an epoxy resin and a curing agent comprising at least one aliphatic polyamine, alicyclic polyamine, and aromatic polyamine, and optionally a tertiary amine, but not a curing agent consisting essentially of a plurality of tertiary amines and at least one tertiary amine. Jap. '866 and Jap. '277 disclose epoxy resins using amine based curing agents, but do not mention tertiary amines.

Since the none of the cited references teach a curing agent consisting essentially of a plurality of aliphatic amines and at least one tertiary amine, their combination cannot render the claimed invention obvious. For at least this reasons, the Office's obviousness rejections are respectfully traversed.

V. CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. Applicants respectfully submit that this application is now in condition for allowance. Accordingly, an indication of allowability and an early Notice of Allowance are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that have not been paid to Deposit Account No. 19-5425.

Respectfully submitted,

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